

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

DONNA CURLING, et al;	)	
	)	
Plaintiffs,	)	
	)	
v.	)	CIVIL ACTION
	)	FILE NO: 1:17cv02989-AT
BRIAN P. KEMP, et al.;	)	
	)	
	)	
Defendants.	)	
	)	

**FULTON COUNTY DEFENDANTS' MOTION TO DISMISS**

COME NOW the Fulton County Board of Registration and Elections ("FCBRE"), Director Richard Barron, members of the FCBRE Mary Carole Cooney, Vernetta Nuriddin, David J. Burge, Stan Matarazzo<sup>1</sup>, Aaron Johnson, and Mark Wingate<sup>2</sup> (hereafter "Fulton County Defendants") through counsel, and

---

<sup>1</sup> Stan Matarazzo was named in the initial Complaint. Although the Complaint has been twice amended without including Mr. Matarazzo as a Defendant, he has not been formally dismissed from this case.

<sup>2</sup> Mark Wingate was named as a Defendant in the Amended Complaint. Although the Second Amended Complaint does not include Mr. Wingate as a Defendant, he has not been formally dismissed from this case. Additionally, as one of the Fulton

pursuant to Fed. R. Civ. Proc. 81(c), hereby file their response to Plaintiffs' Second Amended Complaint. The Fulton County Defendants move for dismissal of all claims pursuant to Fed. R. Civ. Proc. 12(b)(1) and 12(b)(6).

The bases for the motion are more fully set forth in the accompanying Brief in Support of Fulton County Defendants' Motion to Dismiss.

Respectfully submitted this 29th day of September, 2017.

**OFFICE OF THE COUNTY  
ATTORNEY**

Kaye Burwell  
Georgia Bar Number: 775060  
[kaye.burwell@fultoncountyga.gov](mailto:kaye.burwell@fultoncountyga.gov)

Cheryl Ringer  
Georgia Bar Number: 557420  
[cheryl.ringer@fultoncountyga.gov](mailto:cheryl.ringer@fultoncountyga.gov)

/s/ **David R. Lowman**  
David R. Lowman  
Georgia Bar Number: 460298  
[david.lowman@fultoncountyga.gov](mailto:david.lowman@fultoncountyga.gov)

ATTORNEYS FOR DEFENDANTS  
RICHARD BARRON MARY CAROLE  
COONEY, VERNETTA NURIDDIN,  
DAVID J. BURGE, STAN MATARAZZO,  
AARON JOHNSON, AND THE FULTON  
COUNTY BOARD OF REGISTRATION  
& ELECTIONS

Office of the County Attorney

---

County Defendants named in the Amended Complaint, Mr. Wingate has a pending Motion to Remand the Case to State Court.

141 Pryor Street, S.W.  
Suite 4038  
Atlanta, Georgia 30303

P:\CALitigation\Elections\Curling, Donna v. Kemp, Brian (Curling II) 1:17-CV-02989-AT- (DRL)\Pleadings\9.25.17 Fulton County Defendants MTD(2).docx



*CERTIFICATE OF SERVICE*

I hereby certify that on this date I have electronically filed the foregoing  
**FULTON COUNTY DEFENDANTS' MOTION TO DISMISS** with the Clerk  
of Court using the CM/ECF system, which will automatically send email  
notification of such filing to the following attorneys of record:

Bryan Ward  
Marvin Lim  
Holcomb + Ward LLP  
3399 Peachtree Rd NE, Suite 400  
Atlanta, GA 30326  
Bryan.Ward@holcombward.com  
Marvin@holcombward.com

Overtis Hicks Brantley  
Bennett D. Bryan  
DeKalb County Law Department  
1300 Commerce Drive 5th Floor  
Decatur, GA 30030

Daniel W. White  
Haynie, Litchfield, Crane & White, PC  
222 Washington Avenue  
Marietta, Georgia 30060

Russell Waldon, Esq.  
Waldon Adelman Castilla Hiestand &  
Prout  
900 Circle 75 Parkway, N.W.  
Suite 1040  
Atlanta, GA 30339-3084  
rwaldon@wachp.com

I further certify that I have served, by electronic mail, the following non-  
cm/ecf participants:

Rep. Karen Handel  
U.S. Congressional District 6  
c/o Anne Lewis, Esq.  
awl@sblaw.net

